

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DAVID HESS,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting
Commissioner of the Social Security
Administration,

Defendant.

CASE NO. 13-cv-05567 RJB

REPORT AND RECOMMENDATION
ON STIPULATED MOTION FOR
REMAND

This matter has been referred to Magistrate Judge J. Richard Creatura pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Magistrates Rule MJR 4(a)(4), and as authorized by *Mathews, Secretary of H.E.W. v. Weber*, 423 U.S. 261 (1976). This matter is before the Court on defendant's stipulated motion to remand the matter to the administration for further consideration (ECF No. 16).

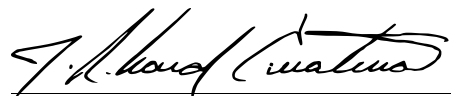
After reviewing defendant's stipulated motion and the relevant record, the undersigned recommends that the Court grant defendant's motion, and reverse and remand this matter to the Acting Commissioner pursuant to sentence four of 42 U.S.C. § 405(g).

1 On remand, the administrative law judge (ALJ) will hold a new hearing and issue a new
2 decision. The ALJ will evaluate further and determine claimant's maximum residual functional
3 capacity and shall reference evidence in support of the assessed limitations. As required, the
4 ALJ will obtain vocational expert evidence to determine if claimant can perform his past relevant
5 work or identify and determine the skills claimant has acquired and determine if these skills are
6 transferrable to other occupations pursuant to Social Security Ruling 82-41. The ALJ will take
7 any other actions necessary to develop the record. Plaintiff may submit additional evidence and
8 arguments to the ALJ.

9 This case should be reversed and remanded on the above grounds. The parties stipulate
10 that plaintiff is entitled to reasonable attorney's fees, expenses, and costs pursuant to 28 U.S.C. §
11 2412(d) following a proper request to this Court.

12 Given the facts and the parties' stipulation, the Court recommends that the District Judge
13 immediately approve this Report and Recommendation and order that the case be **REVERSED**
14 and **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g).

15 Dated this 23rd day of December, 2013.

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17 J. Richard Creatura
18 United States Magistrate Judge
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